

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES D. EVANS,
Plaintiff,

v.

**PRESIDENT OF THOMAS
JEFFERSON UNIVERSITY
HOSPITAL *et al.*,**
Defendants.

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CIVIL ACTION NO. 22-CV-1371

ORDER

AND NOW, this 25th day of July, 2022, upon consideration of James D. Evans's Motion to Proceed *In Forma Pauperis* (ECF No. 1), Prisoner Trust Fund Account Statement (ECF No. 3), *pro se* Complaint (ECF No. 2), Motion for Extension of Time to File Certificate of Merit (ECF No. 4), and Motion for Relief (ECF No. 6), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. James D. Evans, #097598, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the appropriate officer or employee of Eagleville Hospital to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Evans's inmate account; or (b) the average monthly balance in Evans's inmate account for the six-month period immediately preceding the filing of this case. The appropriate officer or employee shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Evans's inmate trust fund account exceeds \$10.00, the appropriate officer or employee shall forward payments to the Clerk

of Court equaling 20% of the preceding month's income credited to Evans's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the appropriate officer or employee of Eagleville Hospital.

4. The Complaint is **DEEMED** filed.

5. For the reasons set forth in the Court's Memorandum, Evans's federal claims are **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). His state law claims are **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction.

6. Evans's Motion for Extension of Time to File Certificate of Merit and Motion for Relief are **DENIED**.

7. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

/s/ Juan R. Sánchez
JUAN R. SÁNCHEZ, C.J.